

**As Introduced**

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**H. B. No. 594**

**Representatives Damschroder, Murray**

**Cosponsors: Representatives Antonio, Brenner, Celeste, Cera, Gardner,  
Gonzales, Hagan, R., McGregor, Okey, Pillich, Roegner, Smith, Wachtmann,  
Adams, J.**

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**A B I L L**

To amend sections 1547.52 and 1547.521 of the Revised Code to establish conditions for watercraft safety inspections. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1547.52 and 1547.521 of the Revised Code be amended to read as follows: 4  
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**Sec. 1547.52.** (A) The division of watercraft shall be administered by the chief of the division of watercraft. The chief may adopt, amend, and rescind: 6  
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(1) Rules considered necessary by the chief to supplement the identification, operation, titling, use, registration, and numbering of watercraft or vessels as provided in this chapter and Chapter 1548. of the Revised Code; 9  
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(2) Rules governing the navigation of vessels on waters in this state, including, but not limited to, rules regarding steering and sailing, the conduct of vessels in sight of one another or in restricted visibility, lights and shapes of lights 13  
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used on vessels, and sound and light signals. As the chief 17  
considers necessary, these navigational rules shall be consistent 18  
with and equivalent to the regulations and interpretive rulings 19  
governing inland waters adopted or issued under the "Inland 20  
Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 21  
1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 22

(3) Rules governing the use, visitation, protection, and 23  
administration of wild river areas, scenic river areas, and 24  
recreational river areas; 25

(4) Rules governing vessel safety inspection checkpoints, 26  
including procedures that comply with statutory and constitutional 27  
provisions governing searches and seizures by law enforcement 28  
officers; 29

(5) Rules establishing fees and charges for all of the 30  
following: 31

(a) Boating skill development classes and other educational 32  
classes; 33

(b) Law enforcement services provided at special events when 34  
the services are in addition to normal enforcement duties; 35

(c) Inspections of vessels or motors conducted under this 36  
chapter or Chapter 1548. of the Revised Code; 37

(d) The conducting of stream impact reviews of any planned or 38  
proposed construction, modification, renovation, or development 39  
project that may potentially impact a watercourse within a 40  
designated wild, scenic, or recreational river area. 41

All rules adopted by the chief under division (A) of this 42  
section shall be adopted in accordance with Chapter 119. of the 43  
Revised Code and are subject to the prior approval of the director 44  
of natural resources. 45

(B) The chief, with the approval of the director, may employ 46

such clerical and technical help as the chief considers necessary. 47

(C) The chief may designate license agents with the approval 48  
of the director. 49

(D) The division is hereby designated as the agency to 50  
administer the Ohio boating safety program and allocated federal 51  
funds under, and the chief shall prepare and submit reports in 52  
such form as may be required by, the "Federal Boat Safety Act of 53  
1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended. 54

(E) The chief may sell any of the following: 55

(1) Items related to or that promote boating safety, 56  
including, but not limited to, pins, badges, books, bulletins, 57  
maps, publications, calendars, and other educational articles; 58

(2) Artifacts pertaining to boating; 59

(3) Confiscated or forfeited items; 60

(4) Surplus equipment. 61

**Sec. 1547.521.** (A) The law enforcement officers of the 62  
division of watercraft shall be known as "state watercraft 63  
officers." The chief of the division of watercraft and state 64  
watercraft officers: 65

(1) Shall develop and conduct educational programs in vessel 66  
safety, sanitation, and operation and in other related subjects 67  
that the chief considers appropriate or necessary; 68

(2) Shall enforce this chapter and Chapter 1548. of the 69  
Revised Code and rules adopted under them, and may enforce laws 70  
prohibiting the dumping of refuse, trash, or litter into the 71  
waters in this state and Chapters 2925. and 3719. of the Revised 72  
Code on all waters in the state; 73

(3) On any lands owned, controlled, maintained, or 74  
administered by the department of natural resources and on any 75

waters in this state, shall have the authority specified under 76  
section 2935.03 of the Revised Code for peace officers of the 77  
department of natural resources to keep the peace, to enforce all 78  
laws and rules governing those lands and waters, and to make 79  
arrests for violation of those laws and rules, provided that the 80  
authority shall be exercised on lands or waters administered by 81  
another division of the department only pursuant to an agreement 82  
with the chief of that division or to a request for assistance by 83  
an enforcement officer of that division in an emergency. The 84  
jurisdiction of state watercraft officers shall be concurrent with 85  
that of the peace officers of the county, township, or municipal 86  
corporation in which the violation occurs. 87

~~(4) For the purpose of enforcing the laws and rules that they 88  
have the authority to enforce, may stop, board, and conduct a 89  
safety inspection of any vessel;~~ 90

~~(5) May serve and execute any citation, summons, warrant, or 91  
other process issued with respect to any law that they have the 92  
authority to enforce. 93~~

(B)(1) Except as authorized by division (B)(2) of this 94  
section, no state watercraft officer, law enforcement officer as 95  
described in section 1547.63 of the Revised Code, or peace officer 96  
of a county, township, or municipal corporation with concurrent 97  
jurisdiction shall stop or board any vessel to conduct a safety 98  
inspection of the vessel. 99

(2) A state watercraft officer, law enforcement officer as 100  
described in section 1547.63 of the Revised Code, or peace officer 101  
of a county, township, or municipal corporation with concurrent 102  
jurisdiction may stop, board, and conduct a safety inspection of 103  
any vessel for the purpose of enforcing the laws and rules that 104  
the officer has the authority to enforce, if either of following 105  
applies: 106

(a) The watercraft officer, law enforcement officer 107  
authorized under section 1547.63 of the Revised Code, or peace 108  
officer has a reasonable suspicion that the vessel, the vessel's 109  
equipment, or the vessel's operator is in violation of this 110  
chapter or rules adopted under it or is otherwise engaged in a 111  
violation of a law of this state or an applicable ordinance of a 112  
municipal corporation within the territorial jurisdiction of the 113  
officer; 114

(b) The watercraft officer, law enforcement officer 115  
authorized under section 1547.63 of the Revised Code, or peace 116  
officer is conducting a vessel safety inspection in the course of 117  
an authorized checkpoint operation in accordance with rules 118  
adopted by the chief of the division of watercraft under section 119  
1547.52 of the Revised Code. 120

(C) A state watercraft officer may render assistance to a 121  
state or local law enforcement officer at the request of that 122  
officer or may render assistance to a state or local law 123  
enforcement officer in the event of an emergency. 124

State watercraft officers serving outside the division of 125  
watercraft under this section or serving under the terms of a 126  
mutual aid compact authorized under section 1501.02 of the Revised 127  
Code shall be considered as performing services within their 128  
regular employment for the purposes of compensation, pension or 129  
indemnity fund rights, workers' compensation, and other rights or 130  
benefits to which they may be entitled as incidents of their 131  
regular employment. 132

State watercraft officers serving outside the division of 133  
watercraft under this section or under a mutual aid compact retain 134  
personal immunity from civil liability as specified in section 135  
9.86 of the Revised Code and shall not be considered an employee 136  
of a political subdivision for purposes of Chapter 2744. of the 137  
Revised Code. A political subdivision that uses state watercraft 138

officers under this section or under the terms of a mutual aid 139  
compact authorized under section 1501.02 of the Revised Code is 140  
not subject to civil liability under Chapter 2744. of the Revised 141  
Code as the result of any action or omission of any state 142  
watercraft officer acting under this section or under a mutual aid 143  
compact. 144

**Section 2.** That existing sections 1547.52 and 1547.521 of the 145  
Revised Code are hereby repealed. 146